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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David Wilkins

Serial No.: 09/560,665

Filing Date: April 27, 2000

Title: NETWORK-BASED CHILD
SUPPORT FRAMEWORK

Docket No: 60021-359701

Group Art Unit: 3629

Examiner: Jonathon P. Ouellette

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Janet Byrne

RESPONSE TO NON-COMPLIANT APPEAL BRIEF (37 CFR 41.37)

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief dated November 7, 2005, submitted herewith is an Appellant's Amended Appeal Brief for the above-identified application.

If any fees are due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1901 (Docket 60021-359701).

Respectfully submitted

By

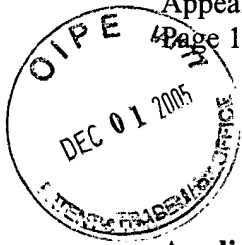
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Appeal Brief

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

APPELLANT'S AMENDED APPEAL BRIEF

Dear Sir:

In response to the Office communications dated March 5, 2004, and September 7, 2004, Appellants appeal the rejections of Examiner Jonathon P. Ouellette.

(1) **REAL PARTY IN INTEREST**

The present application has been assigned to Accenture LLP, an Illinois corporation.

(2) **RELATED APPEALS AND INTERFERENCES**

There are no appeals or interferences related to the present case. Accordingly, Appellants do not provide a Related Proceedings Appendix under 37 CFR § 41.37(c)(1)(x).

(3) STATUS OF CLAIMS

Claims 1, 2, 4-7, 9-12, 14 and 15 are pending and are herein appealed.

Claims 1, 2, 4-7, 9-12, 14 and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Polk (U.S. Patent No. 5,946,669) in view of Single Parent Central (<www.singleparentcentral.com>, Retrieved from Internet Archive Wayback Machine, <www.archive.org>, date range: 10/31/1999 – 1/19/2000).

(4) STATUS OF AMENDMENTS

No claim amendments were filed subsequent to the final rejection.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

The present subject matter generally provides for a network-based child financial support framework for facilitating communications between employers, custodial parents and non-custodial parents. Specifically, the present subject matter provides a network-based child financial support framework with enhanced functionality to provide those individuals participating in the child financial support system with more effective means of communicating with one another via enhanced access and use of the system. The various claims are directed towards a method, a computer program on a computer readable medium, and a system, where the general improvements over the prior art include, *inter alia*, calculation of child support payments based on a user profile and an amount paid from the non-custodial parent to the custodial parent; detailed user profile information including at least one of income, number of children, basic support, insurance premium, child care cost, and additional expenses, and; a user profile with two portions including a first portion that is received from a user across a network and a second portion that is received from a database where the second portion of the user profile may be changed by the user.

More specifically, Appellant's claims 1, 6, and 11 recite a method, program and system for providing a network-based child financial support framework for facilitating communications between employers, custodial parents, and non-custodial parents including (a) information on a received financial support payment utilizing a network (*see* Specification, page 6, lines 4-5; pg. 20, lines 18-19; Figs. 1A and 2); (b) general information relating to the financial support payment utilizing the network (*see* Specification, page 6, lines 20-21; page 20, lines 24-27; Figs. 1A, 2, and 13); (c) calculating a proper amount of the financial support payment based on a profile of a user and based on an amount paid to date from a non-custodial parent to a custodial parent, wherein the

profile includes data relating to at least one of income, number of children, basic support, insurance premium, child care cost, and additional expenses, wherein a first portion of the profile is received from the user across the network and a second portion of the profile is received from the database, and wherein the user may change the data in the second portion of the profile (*see* Specification, page 6, lines 21-23; page 19, lines 17-31; page 21, lines 6-17, Fig. 16), and; (d) displaying a history associated with the financial support payment (*see* Specification, page 6, lines 23-24; page 20, lines 17-22, Fig. 14).

Claims 2, 7, and 12 recite the method, computer program, and system where the network includes the Internet (*see* Specification, page 20, line 28, Fig. 1A).

Claims 4, 9, and 14 recite the method, computer program, and system where the history includes a date, an amount received on the date, an amount retained of the amount received, and a disbursement of the amount received to the custodial parent (*see* Specification, page 19, lines 26-31; page 21, lines 1-4; Fig. 14).

Claims 5, 10, and 15 recite the method, computer program, and system further comprising the step of presenting a plurality of frequently asked questions relating to the financial support payment (*see* Specification, page 21, lines 14-15; Fig. 5).

(6) GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The Examiner rejected claims 1, 2, 4-7, 9-12, 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Polk (U.S. Patent No. 5,946,669) in view of Single Parent Central (<www.singleparentcentral.com>, Retrieved from Internet Archive Wayback Machine, <www.archive.org>, date range: 10/31/1999 – 1/19/2000). In making this multiple-reference obviousness rejection, has the Examiner made a *prima facie* case of obviousness?

(7) ARGUMENT

A. Background

Appellants filed the original application on April 27, 2000. The first substantive Office Action addressing the merits of patentability was sent on December 18, 2002 (*see* Paper 6), at which time Examiner Gehman rejected pending claims 1-15 based on a combination of 35 U.S.C. § 112, second paragraph, and 35 U.S.C. § 103(a).

Appellants responded on June 24, 2003, to the Office Action, amending the specification to correct the title of the invention and amending claims 1, 6, and 11 to clarify the invention. Appellants further set out detailed arguments directed towards the differences between the invention and the cited references.

On August 27, 2003, Examiner Ouellette issued a final Office Action (*see* Paper 10) based on 35 U.S.C. § 103(a) with newly cited references.

On November 25, 2003, Appellants responded to the final Office Action, amending claims 1, 2, 6, 7, 11 and 12. In addition, Appellants set forth detailed arguments delineating the claim limitations that were not taught or suggested by the cited references.

In response, Examiner Ouellette issued an Advisory Action (*see* Paper 12) on December 16, 2003, merely asserting that Appellants amendment and response to the final Office Action of August 27, 2003 did not place the application in condition for allowance because the proposed amendments raised “new issues that would require further consideration and/or search.” The Advisory Action also included a note stating that Appellants “amended the independent claims to include additional financial support calculation steps and additional profile compilation steps.”

On January 9, 2004, Appellants filed a Request for Continued Examination in response to the final rejection of August 27, 2003, and the Advisory Action of December 16, 2003.

On March 5, 2004, Examiner Ouellette granted Appellant’s Request for Continued Examination of January 9, 2004. In addition, Examiner Ouellette issued a non-final Office Action thereby acknowledging the cancellation of claims 3, 8, and 13 and rejecting claims 1, 2, 4-7, 9-12, 14, and 15 based on 35 U.S.C. § 103(a).

On June 7, 2004, Appellants responded to the non-final Office Action, setting forth detailed arguments delineating the claim limitations that were not taught or suggested by the cited references.

On September 7, 2004, Examiner Ouellette issued a final Office Action sustaining the 35 U.S.C. § 103(a) rejection citing the same references and presenting the same arguments as those set forth in the non-final Office Action of March 5, 2004.

In response, Appellants filed a Notice of Appeal, which was received by the Office on October 29, 2004. Each of the Examiner’s rejections will be addressed below.

B. Rejection of Claims 1, 2, 4-7, 9-12, 14, and 15 Under 35 U.S.C. § 103: Polk and Single Parent Central

Claims 1, 2, 4-7, 9-12, 14, and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Polk (U.S. Patent No. 5,946,669) in view of Single Parent Central (<www.singleparentcentral.com>, Retrieved from Internet Archive Wayback Machine, <www.archive.org>, date range: 10/31/1999 – 1/19/2000). The cited references, each alone or in combination, do not teach or suggest all the claim limitations nor is there any suggestion or motivation to modify the references as required by MPEP § 2143 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Therefore, this rejection is unsupported by the art and a *prima facie* case of obviousness has not been established.

The present invention generally provides for a network-based child financial support framework for facilitating communications between employers, custodial parents, and non-custodial parents, comprising the steps of:

- (a) maintaining a database including information on a received financial support payment utilizing a network;
- (b) providing general information relating to the financial support payment utilizing the network;
- (c) calculating a proper amount of the financial support payment based on a profile of a user and based on an amount paid to date from a non-custodial parent to a custodial parent, wherein the profile includes data relating to at least one of income, number of children, basic support, insurance premium, child care cost, and additional expenses, wherein a first portion of the profile is received from the user across the network and a second portion of the data is received from the database, and wherein the user may change the data in the second portion of the profile; and
- (d) displaying a history associated with the financial support payment.

Because the combination of *Polk* and *Single Parent Central* do not teach or suggest every element of every claim and because there is no motivation to modify the references to teach every element of every claim, Appellant respectfully requests that Examiner's § 103 rejections be withdrawn.

Specifically, Applicant draws Examiner's attention to claim element (c), which recites the following distinct limitations:

- a) "a proper amount of the financial support payment" is calculated based on (1) a user profile, and (2) the amount paid from the non-custodial parent to the custodial parent;
- b) the user profile "includes data relating to at least one of income, number of children, basic support, insurance premium, child care cost, and additional expenses"; and
- c) the user profile includes two portions: (1) the first portion "is received from the user across the network, and (2) the second portion "is received from the database"; and

d) the second portion of the profile may be changed by the user.

Polk and *Single Parent Central* do not teach or suggest at least these limitations as described below.

(a) The References Fail to Teach or Suggest Calculating a Proper Amount of the Financial Support Payment Based on Both a User Profile and an Amount Paid

The present claimed invention recites, *inter alia*, “a proper amount of the financial support payment” calculated based on (1) a user profile, and (2) the amount paid from the non-custodial parent to the custodial parent. The cited references, either alone or in combination, fail to teach or suggest at least these features of the present claimed invention.

In the non-final Office Action of March 5, 2004, Examiner states that *Polk* fails to expressly disclose the limitations of claim element (c) and that *Single Parent Central* may teach these limitations. *See* p. 3, paragraphs 8 and 9. However, Examiner subsequently insinuates in the same Office Action that *Polk* actually does disclose these limitations. *See* p. 5, paragraphs 17 and 20. Moreover, in the final Office Action of September 7, 2004, Examiner states that *Polk* does disclose those limitations “as discussed in the arguments section of the previous office action.” *See* p. 3, paragraph 6.

Appellant agrees with the assessment that *Polk* does not teach or suggest the limitations of claim element (c). Specifically, *Polk* describes a payment and disbursement system, usable for transmitting child support obligations from a non-custodial parent to a custodial parent through an employer. *See* Abstract, Col. 7, lines 30-36. *Polk* discusses computing the amount of child support payment due, Col. 17, lines 57-66, and indicating merely whether a payment has been made, Col. 15, lines 54-59, via communication through an employer, Abstract, Col. 7, lines 30-36. Indeed, *Polk* teaches a method and system in which the State or some other “accumulator agency” controls all of the steps of tracking and processing child support payments with the only parental involvement including receiving the money or having access to the debit account from which the money is ultimately transferred. *See* Figs. 17-20. This teaching clearly fails to disclose calculating a financial support payment based on the combination of two distinct factors.

Single Parent Central fails to disclose calculating an actual child support payment based on a user profile because it simply provides a hyperlink to another web site (<www.divorcelawinfo.com>) which provides a data entry screen for general, non-jurisdiction specific estimator in which individuals enter one-time data estimates for the purpose of obtaining a rough estimate of potential child support payments. *See* p. 8. In addition, *Single Parent Central*

fails to disclose the use of prior child support payments for calculating the child support estimates because it depicts a data entry box for users to enter child support related to other child support cases described as “Prior Child Support Orders (*Past Relationships*)”. See p. 8. Nowhere does this reference describe using a detailed, jurisdiction specific user profile in order to calculate actual child support obligations to enhance communication between custodial and non-custodial parents, employers, and the State. Moreover, *Polk* fails to teach calculating the payment based on an amount paid by the non-custodial parent. *Polk* only describes tracking whether the payment has been made. Nowhere does the reference describe using actual child support payments made to date as one of two distinct parameters used to calculate an amount due.

For at least these reasons, the cited references, each alone or in combination, fail to teach or suggest every element of claims 1, 2, 4-7, 9-12, 14, and 15, and Appellant respectfully requests that Examiner’s § 103 rejections be withdrawn.

(b) The References Fail to Teach or Suggest a User Profile Including Profile Information

The present claimed invention further recites that the user profile “includes data relating to at least one of income, number of children, basic support, insurance premium, child care cost, and additional expenses.” The cited references, either alone or in combination, fail to teach or suggest at least these features of the present claimed invention.

With respect to the user profile, both Office Actions detailing the § 103 rejection merely state, “Single Parent Central discloses a Child Support Calculator (pgs. 8-9), which is based on a wide variety of non-custodial and custodial information.” See Non-final Office Action, March 5, 2003, p. 5, paragraph 18; final Office Action, September 7, 2004, p. 3, paragraph 8. Although the *Single Parent Central* web site mentions a “Child Support Calculator” and includes a hyperlink to another web site (<www.divorcelawinfo.com>), *Single Parent Central* does not teach or suggest a user profile, nor does it describe calculating financial support payments based on a user profile as claimed. In addition, the alleged user profile shown on the <www.divorcelawinfo.com> web site merely consists of a data entry screen in which users may enter one-time, data estimates in order to obtain crude, non-jurisdiction specific child support payment estimates. See p. 8. Nowhere does this reference teach the use of any of the user data to calculate actual child support payments or to retain such data for use in subsequent child support calculations within a support network.

A user “profile” is generally understood by those skilled in the art to be a type of data object or data structure that contains information or data about the user. The web site that actually supports

the “Child Support Calculator,” namely <www.divorcelawinfo.com>, merely displays a webpage form where a user may apparently enter information into predefined text-boxes. This teaching implies that a user enters data into fields. This does not, however, constitute a “profile” in any generally accepted definition of the term, even if calculations are performed on the data entered into the fields, because there is no disclosure of any sort of data object or structure containing data about a user. Merely entering data does not teach a “profile” as claimed.

Additionally, the form on <www.divorcelawinfo.com> provides no information as to its functionality that would teach one how to practice claims 1, 2, 4-7, 9-12, 14, and 15. Further, nowhere does the form describe how the <www.divorcelawinfo.com> web site arrives at the calculated child support amount nor where any of the information is derived from other than the text-boxes displayed thereon. The reference does not teach or suggest calculating any information based on a user profile.

For this additional reason, the cited references fail to teach or suggest every element of claims 1, 2, 4-7, 9-12, 14, and 15, and Appellant respectfully requests that Examiner’s § 103 rejections be withdrawn.

(c) The References Fail to Teach or Suggest a User Profile Received from Both a User and a Database

The present claimed invention further recites that the user profile includes two portions: (1) the first portion “is received from the user across the network, and (2) the second portion “is received from the database.” The cited references, either alone or in combination, fail to teach or suggest at least these features of the present claimed invention.

Polk discloses a credit database indicating the issue of a child support payment from a non-custodial parent, Col. 14, lines 21-30, and a disbursement database containing prior disbursements data, including listings of non-custodial parents, custodial parents, and information regarding child support payments due by the non-custodial parents to the custodial parents, Col. 14, lines 48-57. These are also the teachings of *Polk* alleged in the § 103 rejection to disclose the claim limitation at hand. However, these teachings of *Polk* are directed to storing data in a database. These teachings do not describe “receiving payment information from the user” as suggested by Examiner; rather these teachings note that such transactions are recorded from bank and state records. Additionally, nowhere does the reference describe in any way whatsoever actually using the data stored in these databases to subsequently calculate the amount of financial support due as claimed.

Furthermore, *Polk* clearly does not teach or suggest the first portion of the profile that is received across a network from a user, where the profile includes data relating to income, number of children, etc. Even assuming *arguendo* that *Single Parent Central* discloses collecting the type of data that would reside in the first portion of the user profile, the reference does not teach or suggest actually creating or maintaining a user profile with such data, as discussed above. Also, there is no suggestion in either reference or the combination thereof to create a user profile that receives data from two distinct sources as claimed.

For these additional reasons, the cited references fail to teach or suggest every element of claims 1, 2, 4-7, 9-12, 14, and 15, and Appellant respectfully requests that Examiner's § 103 rejections be withdrawn.

(d) The References Fail to Teach or Suggest Allowing the User to Change the Portion of the Profile in the Database

The present claimed invention further recites that the second portion of the profile may be changed by the user. The cited references, either alone or in combination, fail to teach or suggest at least this feature of the present claimed invention.

Polk discloses an employee authorizing an employer to withhold funds from his or her salary for child support obligations, and the employer converting the withholding obligation into a FEDI file. Col. 15, lines 7-59. However, this type of information, namely the authorization of a withholding in the FEDI file, does not teach changing data in a user profile or, more specifically, changing data about income, number of children, basic support, insurance premiums, child care cost, and additional expenses. Furthermore, it does not teach changing data in a user profile by the end user, here the custodial and non-custodial parents.

Further, even assuming that the “second portion of the profile” reads on the withholding authorization in the FEDI file, this so-called “second portion of the profile” is completely distinct from the earlier alleged “second portion of the profile,” the disbursement database. Stated otherwise, the § 103 rejection first alleges that the “second portion of the profile” reads on the disbursement database disclosed in *Polk* at Col. 14, lines 48-57, and it is subsequently alleges that the “second portion of the profile” reads on a withholding authorization in a FEDI file disclosed in *Polk* at Col. 15, lines 7-59. However, these two media storage—the disbursement database and the FEDI file—have distinct functionality and format and are not combinable without destroying the function of the *Polk* reference.

For these additional reasons, the cited references fail to teach or suggest every element of claims 1, 2, 4-7, 9-12, 14, and 15, and Appellant respectfully request that Examiner's § 103 rejections be withdrawn.

(8) CLAIMS APPENDIX

An appendix containing a copy of the claims 1, 2, 4-7, 9-12, 14 and 15, the claims involved in this appeal, is included with this brief.

(9) EVIDENCE APPENDIX

No evidence under 37 CFR §§ 1.130, 1.131, or 1.132 or any other examiner-entered evidence is relied upon in the present appeal. Accordingly, no evidence appendix is included with this brief

(10) RELATED PROCEEDINGS APPENDIX

No decisions on related appeals have been rendered. Accordingly, no related proceedings appendix is included with this brief.

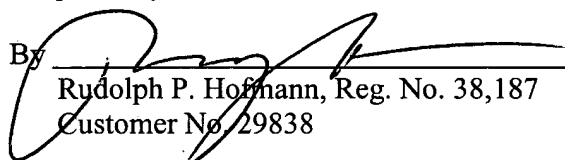
(11) CONCLUSION

Pending claims 1, 2, 4-7, 9-12, 14 and 15 remain rejected under 35 U.S.C. § 103(a). Appellants respectfully assert that Examiner has not established a *prima facie* case of obviousness as demonstrated above and requests that the Board of Patent Appeals and Interferences reverse the Examiner's decision.

Should any additional fees be necessary, the Commissioner is hereby authorized to charge or credit any such fees or overpayment to Deposit Account No. 50-1901 (Reference No. 60021-359701).

Respectfully submitted,

By


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Attachment: Appendix (Claims Subject to Appeal)

Claims Subject to Appeal

1. A method for providing a network-based child financial support framework for facilitating communications between employers, custodial parents, and non-custodial parents, comprising the steps of:
 - (a) maintaining a database including information on a received financial support payment utilizing a network;
 - (b) providing general information relating to the financial support payment utilizing the network;
 - (c) calculating a proper amount of the financial support payment based on a profile of a user and based on an amount paid to date from a non-custodial parent to a custodial parent, wherein the profile includes data relating to at least one of income, number of children, basic support, insurance premium, child care cost, and additional expenses, wherein a first portion of the profile is received from the user across the network and a second portion of the profile is received from the database, and wherein the user may change the data in the second portion of the profile; and
 - (d) displaying a history associated with the financial support payment.
2. A method as recited in claim 1, wherein the network includes the Internet.
3. (cancelled)
4. A method as recited in claim 1, wherein the history includes a date, an amount received on the date, an amount retained of the amount received, and a disbursement of the amount received to the custodial parent.
5. A method as recited in claim 1, and further comprising the step of presenting a plurality of frequently asked questions relating to the financial support payment.
6. A computer program embodied on a computer readable medium for providing a network-based child financial support framework for facilitating communications between employers, custodial parents, and non-custodial parents, comprising:

- (a) a code segment that maintains a database including information on a received financial support payment utilizing a network;
 - (b) a code segment that provides general information relating to the financial support payment utilizing the network;
 - (c) a code segment that calculates a proper amount of the financial support payment based on a profile of a user and based on an amount paid to date from a non-custodial parent to a custodial parent, wherein the profile includes data relating to at least one of income, number of children, basic support, insurance premium, child care cost, and additional expenses, wherein a first portion of the profile is received from the user across the network and a second portion of the profile is received from the database, and wherein the user may change the data in the second portion of the profile; and
 - (d) a code segment that displays a history associated with the financial support payment.
7. A computer program as recited in claim 6, wherein the network includes the Internet.
8. (cancelled)
9. A computer program as recited in claim 6, wherein the history includes a date, an amount received on the date, an amount retained of the amount received, and a disbursement of the amount received to the custodial parent.
10. A computer program as recited in claim 6, and further comprising a code segment that presents a plurality of frequently asked questions relating to the financial support payment.
11. A system for providing a network-based child financial support framework for facilitating communications between employers, custodial parents, and non-custodial parents, comprising:
- (a) logic that maintains a database including information on a received financial support payment utilizing a network;
 - (b) logic that provides general information relating to the financial support payment utilizing the network;

- (c) logic that calculates a proper amount of the financial support payment based on a profile of a user and based on an amount paid to date from a non-custodial parent to a custodial parent, wherein the profile includes data relating to at least one of income, number of children, basic support, insurance premium, child care cost, and additional expenses, wherein a first portion of the profile is received from the user across the network and a second portion of the profile is received from the database, and wherein the user may change the data in the second portion of the profile; and
 - (d) logic that displays a history associated with the financial support payment.
12. A system as recited in claim 11, wherein the network includes the Internet.
13. (cancelled)
14. A system as recited in claim 11, wherein the history includes a date, an amount received on the date, an amount retained of the amount received, and a disbursement of the amount received to the custodial parent.
15. A system as recited in claim 11, and further comprising logic that presents a plurality of frequently asked questions relating to the financial support payment.